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Summary record of the 2341st meeting
Held at Headquarters, New York, on Tuesday, 14 March 2006, at 10 a.m.

Chairperson: Ms. Chanet

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant and of country situations

Fifth periodic report of Norway
(CCPR/C/NOR/2004/5), CCPR/C/NOR/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Norway took places at the Committee table.*

2. **Mr. Wille** (Norway), introducing the report, said that Norway strongly supported the United Nations system of State reporting and the Committee's consideration of reports, which was the cornerstone of monitoring State's compliance with their human rights obligations. The Committee's concluding observations on previous reports had played an important role in his Government's efforts to improve implementation of the Covenant. His Government also welcomed the contributions made by civil society organizations in supplementing the Government report. It was Norway's practice to distribute the Committee's concluding observations to the relevant authorities and to representatives of civil society in order to strengthen awareness and consultations on human rights issues.

3. Describing recent developments not covered in the written replies regarding issues raised by the Committee, he said, with reference to the Committee's views on Communication No. 1155/2003, that amendments to the Education Act had been adopted to facilitate exemptions for pupils who objected to the mandatory religious instruction in schools and to broaden the content of that instruction so as to cover non-Christian religions and other belief systems. Gender representation on boards of publicly held companies had been strengthened by mandating minimum quotas for each sex. Such measures already applied in the case of State-owned companies but would probably not be enacted in the case of privately held companies, which were mostly small family-owned businesses. A new Directorate for Integration and Diversity had been established to promote equality in living conditions and encourage diversity through employment, integration and participation in society. The Directorate would focus on the settlement of refugees, information programmes for immigrants, language instruction and other measures to promote dialogue and equality in public services.

4. **The Chairperson** invited the delegation of Norway to add oral comments to the written responses submitted in relation to the questions on the list of issues regarding the report (CCPR/C/NOR/Q/5 and Add.1).

Right to self-determination (article 1 of the Covenant)

5. **Mr. Wille** (Norway) said, with reference to question 1, that the Norwegian Government had signed an agreement with the Sami Parliament setting out procedures for expanded consultations between central Government authorities and the Sami Parliament. Such consultation procedures applied to all matters that might directly affect Sami interests, such as acts, regulations, Government decisions, guidelines, and other administrative measures and decisions. Cooperation between the Government and the Sami Parliament had in the past focused mainly on reaching agreed language on the right of indigenous peoples to self-determination in the context of the work to prepare the United Nations Declaration on the subject.

Constitutional and legal framework within which the Covenant is implemented (article 2 of the Covenant)

6. **Mr. Ruud** (Norway) said, referring to question 2 on changes in the provision of free legal aid to asylum-seekers, that the section of the Aliens Act dealing with legal aid for asylum-seekers had been amended recently in order to protect the interests of asylum-seekers and improve the cost-effectiveness of legal aid at Government expense. Basically, such legal aid was now being provided through a non-governmental organization with expertise in asylum petitions. An independent research organization had studied the new system and had found that it enabled asylum-seekers to obtain more aid and more thorough aid.

7. Speaking on question 3 regarding reservations that Norway had placed with regard to several articles and portions of articles of the Covenant, he said that the reservation to article 14, paragraph 7, had been re-examined and had been found to be no longer necessary. It might soon be lifted. The reservation to article 10, paragraphs 2 (b) and 3, was also being studied and, with certain changes under consideration in the policies and facilities for the confinement of youth, might also be withdrawn. However, the

reservation to article 20, paragraph 1, was not likely to be lifted, as public opinion regarding the need to control hate speech, certain forms of pornography and propaganda for war was very strong.

Counter-terrorism measures and respect of guarantees contained in the Covenant

8. **Mr. Ruud** (Norway) said, with regard to question 4, that sweeping measures, in the form of amendments to the Penal Code and the Criminal Procedure Act that were aimed at fighting acts of terrorism and the financing of terrorism, had been adopted in pursuance of requirements under Security Council resolution 1373 (2001). Furthermore, amendments had been introduced to the Criminal Procedure Act and the Police Act expanding the power of the police to use audio surveillance and other intrusive measures against presumed terrorists. A parliamentary commission closely monitored the use of those methods. Amendments had also been made to the Immigration Act in order to enable the expulsion of foreign nationals who could be shown to have violated provisions of the Penal Code relating to terrorism. Such expulsion orders could not, however, be implemented if it could be shown that the foreign national concerned risked torture or inhuman treatment in the area to which he was to be expelled.

Prohibition of discrimination, gender equality, equality in and before the law (articles 2, 3 and 26 of the Covenant)

9. **Mr. Wille** (Norway) said, with reference to question 5, that Parliament had recently adopted various new acts and amended existing ones to deal with discrimination in many areas, such as the labour market, education, public services and housing. The new Anti-Discrimination Act prohibited discrimination based on ethnicity, national origin, descent, colour, language, religion or belief. The Act also covered harassment and incitement to harass or discriminate, as well as witness and whistle-blower protection. Differential treatment to achieve a legitimate objective under the Act was, with certain qualifications, not considered to be discrimination. The new law incorporated the International Convention on the Elimination of All Forms of Racial Discrimination.

10. Turning to the participation of immigrants in the labour market, he said that measures had been adopted to make recruitment policies in Government agencies and State-owned companies more inclusive of immigrants. The Employment Policy Council, with high-level representatives of employers' organizations, trade unions and organizations working on immigrant issues, had been established as part of the Plan of Action to Combat Racism and Discrimination in order to develop diversity in the labour market. The new Equality and Anti-Discrimination Ombud sought to encourage employers to avoid ethnic discrimination and promote ethnic equality in their enterprises. The Government had introduced an obligatory introduction programme to be arranged by municipalities for immigrants so as to provide basic skills in Norwegian and an insight into Norwegian society and to prepare the individual for participation in working life and/or education. The Second-Chance Programme sought to provide similar assistance to immigrants who, after several years in Norway, were still unemployed and dependent on social welfare support. Housing legislation had been amended in May 2003 to strengthen legal protections against discrimination in the housing market. The new Equality and Anti-Discrimination Ombud had been given responsibilities in that area, including monitoring evictions and exclusion from the housing market. Immigrants were still over-represented among recipients of housing allowances and the homeless, although differences between immigrants and ethnic Norwegians in that respect was declining.

11. **Mr. Ruud** (Norway) said that several steps had been taken to ensure that law enforcement officials reacted properly in cases of racial discrimination (question 6 of the list of issues): the Director General of Public Prosecutions had instructed the police and all public prosecutors to give priority to cases involving racially motivated crimes, and had appointed a lawyer within his Office to follow judicial developments in the field and disseminate that information to all relevant institutions and all police districts. A trained lawyer had also been appointed at each public prosecutor's office to coordinate with the police in ethnically or racially motivated cases. Efforts had been made to increase police officers' knowledge and understanding of ethnic minorities.

12. **Mr. Wille** (Norway) said, with reference to question 7 on discrimination against women in the labour market, that the Gender Equality Act had been amended to include the Convention on the Elimination of All Forms of Discrimination against Women and

European Union Directive 2002/73/EC on equal treatment of men and women with regard to work. The amendments included a ban on reprisals against those who filed complaints and provisions to prohibit harassment on the grounds of sex.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment, and treatment of detainees (articles 6, 7 and 10 of the Covenant)

13. **Mr. Wille** (Norway) said, with regard to question 8 concerning measures to remedy the problem of violence committed by former mental patients who had allegedly been discharged owing to the inadequate funding of psychiatric institutions, that budgets for treatment facilities and care services had been increased by 30 per cent. The main problem was follow-up of former patients after release. Measures had been taken at the national and local levels to raise the standard of treatment and services and to strengthen follow-up and cooperation among services and risk assessment.

14. **Mr. Ruud** (Norway), referring to question 9, said that solitary confinement could be imposed by a court during pre-trial investigations or by the Correctional Services in prison as a preventive measure. Sections 186 and 186a of the Criminal Procedure Act, recently amended to reflect the growing awareness of the detrimental effects of solitary confinement, allowed courts to authorize partial isolation of persons in custody through restrictions on visits, correspondence, access to the media and the like, or their complete isolation from the company of other prisoners if there was a risk of evidence tampering. The courts had to set strict time limits for such isolation, normally not exceeding six continuous weeks. In 2005, fewer than 13 per cent of prisoners in custody had at some point been kept in complete isolation. A manual on isolation in pre-trial detention would soon be issued. Under section 7 of the Execution of Sentences Act, the Correctional Services were authorized to put prisoners in complete or partial isolation in order to prevent them from being a bad influence on others, injuring themselves or others, causing serious material damage, committing criminal acts, or disturbing peace, order and security. Complete isolation of a prisoner beyond two weeks must be approved by the Correctional Services at the regional level, and beyond six weeks it must be reported at the national level; partial isolation beyond 30 days must be reported at the regional level. By law, prisoners in solitary confinement must be visited several times a day by the prison staff, all of whom had been trained to recognize the symptoms of mental reactions to confinement. In general, prisoners in confinement were given employment to ease the burden, and received any needed medical and psychological treatment.

15. Regarding the frequency of suicides in detention (question 10), there had been a yearly average of four or five in prisons between 2001 and 2005, two of which had occurred in solitary confinement. Prison staff were instructed to check frequently on prisoners known to be suicidal and medical treatment was offered. In pre-trial police detention facilities, there had been three suicides between 1993 and 2002, and the cause of one 2005 death was still under investigation. Police guidelines required all persons remanded in custody to be examined by a doctor, with immediate medical assistance and constant surveillance required in the case of mentally ill or sick detainees. By the end of 2006, security and communication equipment would be installed in all detention cells. Despite what might be considered a low rate of suicide in prisons, extensive research had been done on the matter in Norway, and a new scientific report to be published later in the year would offer proposals for reducing its incidence.

16. With reference to question 11 of the list of issues, the delegation did not agree with the Committee's contention that there was a high incidence of ill-treatment by police officers of detainees and suspects. Only 26 of some 200 complaints about police treatment had concerned the use of force and only 8 of those had led to criminal charges against a police officer. Regarding the human rights training given to law enforcement officials, the human rights treaties, especially the European Convention on Human Rights and the Covenant on Civil and Political Rights, were frequently referred to throughout the three-year Police Academy course of studies and professional ethics was emphasized. Students also received personal guidance during their one-year placement in a police district. A more systematic training programme on investigation and interview techniques focusing on gathering information rather than on eliciting confessions, had also been included in the course, with good results.

17. **Ms. Indreberg** (Norway), referring to question 12 of the list of issues, said that foreign female prisoners were sometimes denied the usual leave for

breastfeeding because of an assessment of flight risk, not because of discrimination under article 26. Female prisoners could sometimes be allowed to serve part of their sentence with their babies in a special institution for mothers, and in 2005, two foreign mothers had taken advantage of that provision of the Execution of Sentences Act. The Prosecution Instructions stated that pregnant or breastfeeding women or those who had given birth within the past six weeks should serve deferred sentences, but exceptions could be made if the convicted woman requested approval to begin serving her term immediately. Such exceptions did not, in the Government's view, violate articles 10, 17 or 26.

18. The Government had done a number of things to eliminate domestic violence against women and to sensitize public officials to the issue (question 13), but could provide no statistics on the number of complaints, prosecutions and convictions, since domestic violence had not been specifically covered by Norwegian legislation until 2006. The Government's 2000-2002 Action Plan to Combat Violence Against Women had focused on improving the competence of the police, social welfare services, childcare services and shelter staff; it had established family violence coordinators in each police district and set up the Commission on Violence against Women. The 2004-2007 Action Plan emphasized better treatment for victims of domestic violence and sexual abuse, especially immigrant women and children exposed to family violence as well as the treatment of perpetrators. A national centre on violence and traumatic stress had been established, new methods had been developed to detect domestic violence, the various forms of available police protection had been expanded. In January 2006, domestic violence had been made a crime punishable by imprisonment under the Penal Code. Protection orders had been made more stringent under amendments to the Criminal Procedure Act; and the Penal Code now included a prohibition on forced marriage.

19. **Mr. Wille** (Norway) said the allegation that Norway had denied basic social rights to refugees and asylum-seekers in order to force them to leave Norway (question 14) were untrue. Norway strictly followed the procedures established under international law, in particular the 1951 Geneva Convention on Refugees, for the determination of refugee status and for their protection. Asylum-seekers, those whose petitions for refugee status were still pending, were allowed to stay in reception centres, where basic needs were secured in money or in kind. Unsuccessful asylum-seekers, those whose petitions for refugee status were rejected, were obliged to leave Norway by a certain deadline. Certain unsuccessful asylum-seekers were allowed to stay in reception centres, pending the resolution of problems involving identity documents or lack of cooperation on the part of authorities in the country of origin. Norway was concerned that the asylum system should not be abused by other kinds of migrants.

20. **The Chairperson** invited the Committee to put questions to the delegation.

21. **Mr. Wieruszewski**, while regretting that the outdated core document had not been revised, expressed appreciation for the very full report and written answers to the list of issues. The Committee considered Norway's positive and timely response to the Committee's Views on communication No. 1155 as exemplary, even though there were still some restrictions on freedom of religion in the country. Norway was also a model for other countries in its anti-discrimination measures.

22. He asked how soon the Government would be adopting the draft Nordic Sami Convention as a way of further implementing indigenous rights. Also, it was not clear whether the new legal aid scheme for asylum-seekers was financed from the budget, or how carefully the Government was monitoring its progress, since NGO reports indicated that it was not working well yet. While the delegation had correctly drawn a distinction between the refugee system and the immigration process he would like more information on how the Government was implementing its *non-refoulement* policy, especially where return would pose a danger to life and physical integrity, and whether it was monitoring the fate of those sent back to other European Communities countries.

23. Since reservations to the Covenant should always be temporary measures, it would be encouraging to learn that the State party was reconsidering its reservation to article 20, paragraph 1.

24. Obviously, more time was needed before the effects of recently established anti-discrimination institutions and measures could be evaluated, but he would like any available information on how the policies thus far had improved the employment and housing situation of immigrants. Also it was not clear why the Ministry of Development Cooperation and

Human Rights had been abolished. It was perhaps not too early to assess the impact of the National Plan of Action to Combat Racism and Discrimination (2002-2006), referred to in the written replies to the list of issues: had there, for instance, been an increase in the number of minority police officers, and was it compulsory or optional for all police officers to attend anti-discrimination training.

25. Although Norway had always set the standard in the matter of gender equality, the number of women in Parliament had declined, and women still faced a large salary gap. He would like to know what the Government was planning to do to increase the percentage of women in traditionally male professions and in better-paying jobs.

26. **Mr. Khalil** welcomed the concern of Norway to meet its human rights obligations while complying with Security Council resolution 1373 (2001) and noted with appreciation the statement in paragraph 39 in Norway's reply to the list of issues (CCPR/C/NOR/Q/5/Add.1) that, under the newly amended Immigration Act, expulsion orders would not be implemented if they entailed sending foreign nationals to areas where they would risk being subjected to torture or to inhuman or degrading treatment. Referring to the registration system that had been proposed to enable individuals to document the frequency of police checks, he wondered whether it had been instituted. He requested information about any targeting of individuals suspected of having ties to extremist or terrorist groups, particularly as their covert surveillance could be in contravention of article 17 of the Covenant. He referred to the statistics provided concerning deaths in detention and wondered whether prolonged periods of solitary confinement might be a factor in the small but nevertheless excessive number of suicide cases reported. He asked whether there was a sufficient number of prison cells, as opposed to police cells, to accommodate all remand prisoners. The newly designed training programme for law enforcement officials mentioned in paragraph 90 of the State party's reply was welcome as it was helping to prevent the ill-treatment of detainees and suspects; however, the three-year course of study for qualification as a police officer should place more emphasis on the human rights obligations of police officers rather than simply including references to human rights conventions.

27. **Mr. Ando** asked why no statistics were available regarding cases of suicide, murder and violence involving persons released from psychiatric institutions. Referring to the establishment of local mental health centres mentioned in paragraph 75 of the replies, he inquired about the balance between universal or national standards and local criteria of psychiatric care. He wished to know whether there was any limit to the length of time an individual prisoner could be held in solitary confinement. He requested clarification on the holding of detainees in solitary confinement in police cells for interrogation for up to three days without a court decision and asked whether medical and psychiatric care was available to persons in solitary confinement, who decided whether such care was required and how long it would take for it to be provided. He also asked for information about the treatment of non-criminal aliens under detention. According to the statistics given in paragraph 79 of the written reply, 178 remand prisoners had been denied correspondence and visits in 2005 without, however, being isolated. He wondered if that could be clarified. Noting that unsuccessful asylum-seekers were placed in reception centres if there was no cooperation from countries of origin for their return, he asked whether there was any limit on how long they could be held in such centres and how they reacted.

28. **Mr. Johnson López** asked what measures were being taken to prevent discrimination against non-Norwegian female prisoners, taking into account the flight risk factor said to be associated with such prisoners. He inquired into the measures taken to develop awareness of domestic violence and whether there had been any reduction in the number of cases of domestic violence reported. He wondered if information could be provided about the number of such cases brought before the courts and the sentences handed down.

29. **Mr. Amor** asked whether the provisions of the Covenant took precedence not only over national legislation but also over Norway's Constitution, in the event of conflict between them. He wished to know to what extent the public authorities were concerned about women's rights and the gender socialization of children and how much importance they gave to such issues. Noting that euthenasia was prohibited in Norway he wondered whether the authorities recognized a person's right to dignity in death. Finally, he requested further details regarding the project

against female genital mutilation referred to in paragraph 76 of the report, and asked how prevalent the practice was.

30. **Mr. Kälin**, stressing the extraterritorial applicability of the Covenant, asked whether the delegation believed that it was relevant to Norwegian participants in peacekeeping operations, for example in Iraq and Afghanistan. He had reservations regarding the Norwegian Government's view, expressed in paragraph 94 of its replies, that it was not in the best interests of the child to be allowed to stay with his or her parent in prison; likewise in respect of the detention of children separately from adults. He wished to know where the 11 juveniles referred to in paragraph 133 of the report had been imprisoned.

31. Regarding counter-terrorism measures, he said that it was not at all clear from paragraph 22 of the replies to the list of issues what kinds of criminal acts were considered terrorist acts. Referring to the requirement that persons suspected of terrorist activities must be subject to a court's decision before their property could be frozen he asked whether that also applied to the assets of persons on the consolidated list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). On the subject of asylum-seekers, he asked what measures had been taken or were being envisaged to prevent the recurrence of cases such as that involving a six-year-old child who, despite an appeal made by the United Nations Mission in Kosovo, had been returned to Kosovo where he had died. He raised the question of the internal flight alternative used by many countries and wondered whether asylum-seekers were thereby given a real possibility of living away from danger while remaining in their country of origin.

32. **Sir Nigel Rodley** said that he shared the positive evaluation of Norway's report and replies to the list of issues and indeed of its commitment to human rights in general. With regard to the question of solitary confinement, he would appreciate clarification of the figures shown in the table in paragraph 79 of the replies (CCPR/C/NOR/Q/5/Add.1), in order to be clear whether a total of 402 prisoners were in full isolation. Moreover, it appeared that the 236 cases in the category "denial of correspondence and visits/full isolation" constituted not just isolation from fellow prisoners but what the Committee would term incommunicado detention, in which a prisoner was completely cut off from contact with the outside world. He was disturbed that solitary confinement and incommunicado detention could apparently be prolonged by court order for an unlimited period and would appreciate statistics on the actual length of cases of solitary confinement.

33. With regard to suicides in police detention, he would like to know whether the unavailability of figures for the years 2003 and 2004 mentioned in paragraph 87 of the replies meant that there were no suicides during those years or simply that records were not being adequately kept. Paragraph 94 of the replies indicated that the Norwegian Government did not consider it to be in the best interests of a child to permit it to stay with its parent in prison; he would like to know whether that conclusion was based on sociological studies or on an unexamined cultural assumption.

The meeting was suspended at 12.20 p.m. and resumed at 12.25 p.m.

34. **The Chairperson** invited the delegation to reply to the additional questions.

35. **Mr. Wille** (Norway) said that he agreed that the core document for Norway (HRI/CORE/1/Add.6), which dated from 1992, needed updating; Norway intended to produce one as soon as the new model being developed by the treaty bodies for an expanded core document was ready.

36. With regard to the status of the proposed Nordic Sami convention, a group of experts had completed a draft convention and submitted it to the Governments of Norway, Sweden and Finland and the Sami parliaments for comment by 12 June 2006. His Government was currently developing a Norwegian position on the convention.

37. On the issue of equal pay for equal work, the new administration intended to establish a commission of experts to study the gender pay gap, analyse the reasons for it and recommend measures to reduce it. The initiative would include consultations with workers' and employers' organizations. Further information could be found in paragraphs 61 to 64 of the replies to the list of issues (CCPR/C/NOR/Q/5/Add.1).

38. The lack of statistics regarding cases of suicide, murder or violence in connection with prior psychiatric hospitalization mentioned in paragraph 73 of the

replies was due in part to the difficulty of assessing the relationship between such cases of violence and psychiatric treatment. However, the Government recognized the usefulness of such statistics and would try to develop them. A question had been asked about compliance with international mental health-care standards at local mental health-care centres; good practice was ensured through the issuance of national standards for the local centres and through monitoring by the district and regional health authorities.

39. Norway had never had a separate ministry for human rights. From 1997 to 2000 the Ministry for Development Cooperation and Human Rights had had responsibility for human rights, but succeeding administrations had shifted that responsibility back to the Ministry of Foreign Affairs.

40. On the matter of the extraterritorial application of the Covenant, Norway had studied with interest the Committee's general comment No. 31, particularly the obligation explained in paragraph 10 to apply the Covenant to "anyone within the power or effective control of the State party". Norwegian forces abroad were always subject to Norwegian law, even when they formed part of a multinational force. With the help of the Red Cross, Norwegian forces were given training in human rights law and the proper treatment of prisoners and were taught that orders in violation of Norwegian human rights law were not to be followed and that violations were to be reported.

41. **Ms. Indreberg** (Norway), replying to questions about non-refoulement, said that, as stated in paragraph 39 of the replies, no foreign national would be sent back to an area where he or she risked torture or inhuman or degrading treatment or punishment. That was true both under the current Immigration Act and the new immigration bill in preparation. Whether or not the individual concerned invoked that provision of the Act, the authorities were under an obligation to verify that there was no such risk. However, Norway did not monitor the situation of expelled individuals once they were back in their country of origin, except in extraordinary cases.

42. Concerning treatment of asylum-seekers, free legal advice was provided at the expense of the Government through the Norwegian Organization for Asylum Seekers, which had won the contract through a competition. The contract was for a fixed term and would be re-evaluated when it expired. Unsuccessful asylum-seekers were obliged to leave Norway by a deadline set by the authorities; once the deadline had passed, they could be removed by the police. However, Norway worked with the International Organization for Migration to try to ensure a dignified transfer. If the asylum-seeker refused to cooperate, he or she would be offered the option of staying in the State-run reception centres.

43. **Mr. Ruud** (Norway) said that Norway had maintained its reservation to article 20, paragraph 1, of the Covenant, which stated, "Any propaganda for war shall be prohibited by law", because so vague a prohibition seemed alien to its legal system. However, as the new penal code was being drafted, that issue would certainly be reconsidered. In answer to the question whether police training schemes were optional, he could assure the Committee that human rights training for the police was compulsory, and that the State party's obligations under the Covenant were taught in detail at the police academy.

44. Questions had been raised about the targeting of groups suspected of terrorism or of supporting terrorism in relation to the provisions of article 17 of the Covenant concerning arbitrary or unlawful interference with privacy. In monitoring such groups the police generally relied on open sources of information. Any more intrusive measures of investigation or surveillance, such as wire-tapping, required a court order.

45. With regard to solitary confinement in prisons, a maximum limit of 12 weeks had been set, but in extreme cases a court could make an exception until a trial could be held. In such cases the continuance of solitary confinement had to be monitored by the court at regular intervals. It was true that solitary confinement in police cells was under police authority until a detainee could be brought before a judge, normally within 48 hours. That time limit was occasionally exceeded, but there was a proposal to set an absolute limit of three days. In the table in paragraph 79 of the replies to the list of issues the 236 persons in the category "denial of correspondence and visits/full isolation" were isolated both from the outside world and their fellow prisoners, whereas the 178 persons in the category "denial of correspondence and visits" were not restricted in their contacts with fellow prisoners.

46. The Norwegian Government did not consider that it was being discriminatory in sometimes denying leave from prison to a foreign national who was breastfeeding on the grounds that the prisoner might flee the country. Risk of flight was a criterion applied to Norwegian nationals as well, and the decision was made on the basis of the facts in the individual case.

47. The question was raised whether the provisions of the Covenant would prevail over provisions of the Norwegian constitution in the event of conflict. Such a case had never arisen, but in theory, in Norwegian legal doctrine, the constitutional provisions would prevail over international law. However, since the Constitution dated from 1814, there was tradition of flexible interpretation, and certainly the tendency would be to interpret the Constitution in such a way as to avoid a violation of international law.

The meeting rose at 1.05 p.m.